

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

THOMAS WILLIAMS,

Civ. No. 09-3026-CL

Plaintiff,

v.

CITY OF MEDFORD, et al.,

**ORDER**

Defendants.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews the legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I have given this matter *de novo* review. I agree with Judge Clarke's conclusions that Heck v. Humphrey, 512 U.S. 477 (1994), does not bar this action; claim and issue preclusion do not apply

here; and material issues of disputed fact exist regarding probable cause for plaintiff's arrest. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#28) is adopted. Defendant's Motion for Summary Judgment (#14) is denied.

IT IS SO ORDERED.

DATED this 2 day of Feb, 2011.

A handwritten signature in cursive script, reading "Owen M. Panner", written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE